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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,203	09/24/2003	Shang Jui Wang	Lyp3011	8956
7590	12/27/2005		EXAMINER	
Shang Jui Wang 235 Chung - Ho Box 8-24 Taipei, TAIWAN				WARTALOWICZ, PAUL A
		ART UNIT		PAPER NUMBER
		1754		
DATE MAILED: 12/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,203	WANG, SHANG JUI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul A. Wartalowicz	1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 October 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 5-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 5-7 is/are rejected.

7)  Claim(s) 6 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 24 September 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments, see pages 10-12, filed October 26, 2005, with respect to the rejection(s) of claim(s) 1-4 under 35 U.S.C 102 and 35 U.S.C 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Juvik-Woods (U.S. 5537937) and Juvik-Woods (U.S. 5213050).

### ***Claim Objections***

Claim 6 is objected to because of the following informalities: Claim 6 depends from claim 2 and claim 2 is cancelled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juvik-Woods (U.S. 5537937) in view of Juvik-Woods (U.S. 52213050).

Juvik-Woods ('937) teaches honeycomb stacking cardboard (col. 3, lines 40-43) comprising a flat plate (col. 5, lines 30-35), a plurality of legs below the flat plate (col. 4, lines 29-33), each leg being a long post like structure formed by at least one upper leg and a lower leg located below the upper legs; wherein the flat plate, upper leg and lower leg being made by a plurality of honeycomb plates (col. 4, lines 57-62; fig 3, #306), a plurality of waterproof top plates adhered on an upper side of the flat plate; and each upper side of the upper legs and lower legs (col. 5, lines 35-40); a plurality of waterproof bottom plates-adhered on a lower side of the flat plate, each lower side of the upper legs and each of the lower legs wherein each envelope is an approximate U shape cross section so as to enclose three sides of each leg wherein the legs are arranged with an equal space in two dimensions (col. 4, lines 63-67; col. 5, lines 1-3; figure 3). Juvik-Woods ('937) also teach that L shape covering on the flat plate (col. 5, lines 30-34), the exposed outside of each leg is enclosed (col. 5, lines 30-34) by a waterproof kraft paper protecting envelope (col. 3, lines 55-61) and wherein each leg has three upper legs and one lower leg; the three upper legs are arranged above the lower leg so as to be formed as a leg with two slots; the legs are arranged with equal distance (col.

6, lines 5-10). Juvik-Woods ('937) fails to teach the L shape covering upon the top plate.

Juvik-Woods ('050), however, teaches a honey comb pallet (col. 1, lines 9-11) wherein an upper facing sheet is folded on the top side and over the sides of the core and sealed (col. 6, lines 32-40) for the purpose of imparting springiness and shock absorbing capabilities to the central core (col. 6, lines 50-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide an upper facing sheet is folded on the top side and over the sides of the core and sealed (col. 6, lines 32-40) in Juvik-Woods ('937) in order to impart springiness and shock absorbing capabilities to the central core (col. 6, lines 50-55) as taught by Juvik-Woods ('050).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Wartalowicz whose telephone number is (571) 272-5957. The examiner can normally be reached on 8:30-6 M-Th and 8:30-5 on Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Wartalowicz  
December 13, 2005



COLLEEN P. COOKE  
PRIMARY EXAMINER